

Serial No. 09/933,500

### Remarks

Claims 8-16 and 19-39 are pending in the application. Claims 8 and 23 have been amended and claim 29 has been canceled herein. Favorable reconsideration is respectfully requested in view of the following comments.

#### **I. REJECTION OF CLAIMS 20-24, 27, 29, 32 AND 35-39 UNDER 35 USC §102**

##### **a. Claims 20-22**

Claims 20-22 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,006,087 to *Amin*. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 20 recites a portable data terminal that includes a memory and a control circuit, wherein the control circuit is operatively coupled to an RF transceiver and a speaker, for receiving voice data via the RF transceiver and *storing the voice data in memory* as at least one voice mail message. The Examiner contends that *Amin* discloses an inherent control circuit operatively coupled to an RF transceiver and a speaker for receiving voice data via the RF transceiver, and storing the voice data in the memory as at least one voice mail message, and cites to column 1, lines 8-13 of *Amin*.<sup>1</sup>

The cited portion of *Amin* discloses a cellular phone that includes a storage device and a display for storing and displaying a plurality of voice mail notifications. Additionally, the cellular phone stores within the phone an index of all voice messages. The voice messages themselves, however, are stored in a subscriber mailbox separate from the cellular phone.<sup>2</sup>

Thus, *Amin* discloses the storage of notifications and indexes, both of which are textual in nature, in a cellular phone. Voice data, however, is not stored within the cellular phone. *Amin* does not teach or suggest a portable data terminal that includes a memory, and *storing voice data in the memory*, as recited in claim 20.

Accordingly, withdrawal of the rejection of claim 20 is respectfully requested.

Claims 21 and 22 directly or indirectly depend from claim 20 and, therefore, can be distinguished from *Amin* for at least the same reasons.

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<sup>1</sup> Page 2, section 2 of the Office Action

<sup>2</sup> See column 2, lines 1-9 of *Amin*

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Accordingly withdrawal of the rejection of claims 21 and 22 is respectfully requested.

**b. Claims 23, 24, 27, 29, 32 and 35-39**

Claims 23, 24, 27, 29, 32 and 35-39 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,128,981 to *Tsukamoto et al.* (hereinafter *Tsukamoto*). Withdrawal of the rejection is respectfully requested for at least the following reasons.

Independent claim 23 has been amended herein to include features previously recited in claim 29 and is directed to a portable data collection network that includes a plurality of portable data terminals. Each portable data terminal includes a control circuit having a *memory for storing voice data as at least one voice mail message*. The Examiner contends that *Tsukamoto* discloses a control unit having a memory for storing voice data received via the RF transceiver, and cites to column 3, lines 40-49 of *Tsukamoto* for support.

Referring to the cited portion of *Tsukamoto*, it states that the data processing unit controls the memory to store received data from each portable terminal, process the data in the storage means in accordance with the demand from a certain portable terminal, and transmits the result of the processing to specified portable terminals. Initially, it is noted that nowhere in the cited portion of *Tsukamoto* does it state the data is *voice data* or that the data is stored as a *voice mail message*.

Moreover, the memory discussed in the cited portion is memory that is located in the data processing unit (referred to in *Tsukamoto*'s detailed description by reference numeral 2 - also see Fig. 1), and not in each portable terminal (referred to as numeral 1). Therefore, *Tsukamoto* does not teach or suggest a portable data collection network that includes a plurality of portable data terminals, wherein each portable data terminal includes a control circuit having a *memory for storing voice data as at least one voice mail message*, as recited in amended claim 23.

Accordingly, withdrawal of the rejection of claim 23 is respectfully requested.

Claims 24, 27, 32 and 35-39 directly or indirectly depend from claim 23 and, therefore, can be distinguished from *Tsukamoto* for at least the same reasons.

Accordingly withdrawal of the rejection of claims 24, 27, 32 and 35-39 is respectfully requested.

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**II. REJECTION OF CLAIMS 8-16, 19-21, 22 AND 26 UNDER 35 USC §103**

**a. Claims 8-16 and 19**

Claims 8-16 stand rejected under 35 USC 103(a) as being unpatentable over *Tsukamoto* in view of U.S. Patent No. 5,940,771 to *Gollnick et al.* (hereinafter *Gollnick*). Claim 19 stands rejected under 35 USC 103(a) as being unpatentable over *Tsukamoto* in view of *Gollnick* in further view of U.S. Patent No. 5,465,253 to *Rahnema*. Withdrawal of the rejections are respectfully requested for at least the following reasons.

Claim 8 has been amended herein and recites a portable data terminal including a memory and a control circuit for receiving first voice data via an RF transceiver and storing first voice data in the memory as at least one voice mail message. As was noted above, *Tsukamoto* does not teach or suggest a portable data terminal that includes a control circuit having a memory for storing voice data as at least one voice mail message. Instead, *Tsukamoto* discloses that a data processing unit controls a memory to store received data from each portable terminal. The memory discussed in *Tsukamoto* is memory that is located in the data processing unit, and not in the portable terminal.

*Gollnick* relates to a data collection network that supports roaming terminals that may enter and exit sleep mode to conserve power. *Rahnema* relates to an RF communications system wherein a set of channels are provided that are logically defined and multiplexed onto voice traffic channels by stealing a voice packet from the traffic channel at regular intervals of time. The replaced voice packet is delayed and transmitted at the next allocated time slot. Neither *Gollnick* nor *Rahnema*, however, make up for the deficiencies of *Tsukamoto*.

Thus, *Tsukamoto* in view of *Gollnick* in further view of *Rahnema* do not teach or suggest a portable data terminal that includes a memory and a control circuit for receiving voice data via the RF transceiver and storing the first voice data in memory as at least one voice message as recited in claim 8.

Accordingly, withdrawal of the rejection of claim 8 is respectfully requested.

Claims 9-16 and 19 directly or indirectly depend from claim 8 and, therefore, can be distinguished from the cited art for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 9-16 and 19 is respectfully requested.

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**b. Claim 26**

Claim 26 stands rejected under 35 USC 103(a) as being unpatentable over *Tsukamoto* in view of *Gollnick*. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 26 depends from independent claim 23, which recites a portable data collection network that includes a plurality of portable data terminals. Each portable data terminal includes a control circuit having a *memory for storing voice data as at least one voice mail message*.

As was discussed above, *Tsukamoto* does not teach or suggest portable data terminals include a control circuit having a memory for storing voice data as at least one voice mail message. *Gollnick* does not make up for the deficiencies of *Tsukamoto* and, therefore, *Tsukamoto* in view of *Gollnick* do not teach or suggest all the features of claim 23. Since claim 26 depends from claim 23 it can be distinguished from the cited art for at least the same reasons.

Accordingly withdrawal of the rejection of claim 26 is respectfully requested.

**c. Claims 30, 31 and 33**

Claims 30, 31 and 33 stand rejected under 35 USC 103(a) as being unpatentable over *Tsukamoto* in view of *Amin*. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claims 30, 31, 33 and 34 indirectly depend from independent claim 23, which recites a portable data collection network that includes a plurality of portable data terminals. Each portable data terminal includes a control circuit having a *memory for storing voice data as at least one voice mail message*.

As was discussed above with respect to claim 23, *Tsukamoto* does not teach or suggest the aspect wherein portable data terminals include a control circuit having a *memory for storing voice data as at least one voice mail message*.

*Amin* discloses the storage of notifications and indexes, both of which are textual in nature, in a cellular phone. Voice data, however, is not stored within the cellular phone. Thus, *Amin* does not teach or suggest portable data terminals that include a control circuit having a *memory for storing voice data as at least one voice mail message*.

Thus, *Tsukamoto* in view of *Amin* do not teach or suggest all the features of independent claim 23. Since claims 30, 31 and 33 indirectly depend from claim 23, they can be distinguished from *Tsukamoto* and *Amin* for at least the same reasons.

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Accordingly withdrawal of the rejection of claim 30, 31, 33 and 34 is respectfully requested.

**d. Claim 25**

Claim 25 stands rejected under 35 USC 103(a) as being unpatentable over *Tsukamoto* in view of U.S. Patent No. 6,505,040 to *Kim*. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 25 indirectly depends from independent claim 23, which recites a portable data collection network that includes a plurality of portable data terminals. Each portable data terminal includes a control circuit having a *memory for storing voice data as at least one voice mail message*.

As was discussed above, *Tsukamoto* does not teach or suggest portable data terminals that include a control circuit having a *memory for storing voice data as at least one voice mail message*.

*Kim* relates to a method of making a multiparty conference call on a mobile phone. *Kim*, however, does not make up for the deficiencies of *Tsukamoto* and, therefore, *Tsukamoto* in view of *Kim* do not teach or suggest all the features of claim 23. Since claim 25 indirectly depends from claim 23 it can be distinguished from *Tsukamoto* in view of *Kim* for at least the same reasons.

Accordingly withdrawal of the rejection of claim 25 is respectfully requested.

**e. Claim 28**

Claim 28 stands rejected under 35 USC 103(a) as being unpatentable over *Tsukamoto* in view of U.S. Patent No. 5,539,807 to *Ghisler*. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 28 depends from independent claim 23, which recites a portable data collection network that includes a plurality of portable data terminals. Each portable data terminal includes a control circuit having a *memory for storing voice data as at least one voice mail message*.

As was discussed above, *Tsukamoto* does not teach or suggest portable data terminals that include a control circuit having a *memory for storing voice data as at least one voice mail message*.

*Ghisler* relates to a system and method for enabling a subscriber with a radio terminal to use another terminal, which does not belong to his radio terminal subscription, and to direct charges for such use to the subscriber's account. *Ghisler*, however, does not make up for the deficiencies of *Tsukamoto* and, therefore,

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*Tsukamoto* in view of *Ghisler* do not teach or suggest all the features of claim 23. Since claim 28 depends from claim 23 it can be distinguished from the cited art for at least the same reasons.

Accordingly withdrawal of the rejection of claim 28 is respectfully requested.

### III. CONCLUSION

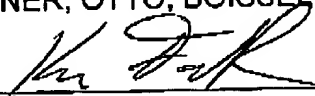
Accordingly, claims 8-16, 19-28 and 30-39 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By



Kenneth W. Fafrak, Reg. No. 50,689

1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
PH: (216) 621-1113  
FAX: (216) 621-6165

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